



# The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Environmental Health Assessment

Childhood Lead Poisoning Prevention Program

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## Clarification of Requirements for Testing for Lead Paint in Residential Properties

The Lead Law, Massachusetts General Laws, Chapter 111, section 197B establishes requirements for those who conduct lead paint inspections in residential properties and authorizes the Department of Public Health to promulgate and enforce licensing regulations. In accordance with the Regulations for Lead Poisoning Prevention and Control, 105 CMR 460.400 (A), only those individuals duly licensed by the Department of Public Health may conduct lead inspections, lead determinations, issue compliance letters, or engage in similar activities.

The Childhood Lead Poisoning Prevention Program (CLPPP) does not permit lead paint testing services to be performed in residential properties by individuals not licensed to do so. This would include spot testing for lead paint and collection of paint chip samples for laboratory analysis, in addition to the traditional lead paint inspection using an x-ray fluorescence analyzer or sodium sulfide solution.

This requirement is not intended to restrict the ability of homeowners or tenants to conduct spot tests for lead in their own properties using commercially-available test kits<sup>1</sup>. This requirement **does apply** to those individuals or entities, including but not limited to home inspectors, environmental consultants, deleaders, remodeling contractors, etc. who offer lead paint testing on properties that they do not own, as well as those who generate lead reports of any kind.

Note that Massachusetts General Laws, Chapter 111, section 197B(f)(2) provides that any person who violates the terms or conditions of any lead inspector, risk assessor or deleader certification or license or any regulation or law of the Commonwealth concerning such licensing or certification shall be punished by a fine of not less than \$500.00 nor more than \$1500.00 for each offense. CLPPP will seek to enforce these requirements through the district courts as necessary. In addition, pursuant to the Regulations at 105 CMR 460.430, CLPPP will forward the names of those conducting inspection activity without the proper license to the Office of the Attorney General.

Property owners or tenants seeking information about potential lead hazards in residential property should be referred to CLPPP, who can provide them with a list of nearly 200 inspectors who are licensed to perform such evaluations and provide appropriate guidance.

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<sup>1</sup> Consumers should note that commercially-available test kits have not been evaluated or endorsed by CLPPP.